

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cr-00127-MOC

UNITED STATES OF AMERICA,
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)
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v.
)
DANIEL HEGGINS,
)
Defendant.
)

ORDER

THIS MATTER is before the court on defendant's recent pro se filings (#84, #85). The defendant pled guilty (#60) and this Court entered Judgment against the defendant in March 2016 (#80).

The recent filings purport to be an “Affidavit of Treason, Criminal Trespass, and Claim.” (#85). *Inter alia*, the defendant demands \$300,000,000 as compensation for alleged criminal trespass and treason. Among other claims, the defendant claims that the court lacks jurisdiction over him. (#85, p. 4) (“United States of America… are a totally foreign jurisdiction to and without authority over, Me, My property and the American people…”). He also claims that was not presented with the evidence or facts charged against him. Such claims are baseless for several reasons.

First, the court, as a part of the United States government, has jurisdiction over him. Second, he made a knowing and voluntary guilty plea in open court. The claims made by defendant in his recent pro se filings are frivolous and without merit. The defendant has pled guilty to the charge and was sentenced to incarceration. Defendant's claims are not justiciable as to the underlying Judgment.

Defendant's other allegations appear to be contentions of deliberate indifference to medical needs while in federal custody. As such, defendant may be attempting to assert a Bivens type action as while he may be housed in a state-run facility, he has been in the custody of the United States Marshal. In one filing, defendant notes that on or about November 16, 2015, prison officials "withheld my medication from me and caused me to go into a diabetic coma." (#84, p.1). He goes on to opine that he was subjected to "repeated attempts to cause my death by way of starvation (at least 5 occasions) while simultaneously depriving me of my insulin injections for 4 days, which resulted in my severe weight loss and at least (3) diabetic comas." (#85, p.11). He claims that the weight loss was quite severe, writing that he was punished "by way of starving me of food and frequently depriving me of insulin medication for my diabetes, which caused numerous diabetic comas and severe weight loss of over 60 pounds of my body weight." (#85, p. 10).

To the extent defendant is attempting to assert a Bivens action, he is advised that he cannot do so in this criminal action. Defendant is advised that a Bivens action may be dependent on first raising his claims with the United States Marshal/Bureau of Prisons and exhausting administrative remedies.

ORDER

IT IS, THEREFORE, ORDERED that to the extent defendant seeks relief in his pro se filings (#84, #85), such relief is denied without prejudice.

Signed: November 10, 2016



Max O. Cogburn Jr.
United States District Judge